

Message

From: Harris-Young, Dawn [Harris-Young.Dawn@epa.gov]
Sent: 6/15/2017 2:56:06 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: RE: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Thanks!

From: Grantham, Nancy
Sent: Thursday, June 15, 2017 10:55 AM
To: Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>
Subject: Re: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Yes

On Jun 15, 2017, at 10:41 AM, Harris-Young, Dawn <Harris-Young.Dawn@epa.gov> wrote:

Hi Nancy,

Is this considered final?

Thanks,
Dawn

From: Dennis, Allison
Sent: Thursday, June 15, 2017 9:14 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lincoln, Larry <Lincoln.Larry@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>; Maguire, Megan <Maguire.Megan@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Senn, John <Senn.John@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>
Subject: RE: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Here is the OW & OECA approved statement:

Ex. 5 - Deliberative Process

From: Drinkard, Andrea

Sent: Thursday, June 15, 2017 8:52 AM

To: Jones, Enesta <Jones.Enesta@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Lincoln, Larry <Lincoln.Larry@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>; Maguire, Megan <Maguire.Megan@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Senn, John <Senn.John@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>

Subject: RE: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

I'm running the updated statement by the program now.

From: Jones, Enesta

Sent: Thursday, June 15, 2017 8:49 AM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Lincoln, Larry <Lincoln.Larry@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>; Maguire, Megan <Maguire.Megan@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; D'Andrea, Michael <DANDREA.MICHAEL@EPA.GOV>; Senn, John <Senn.John@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>

Cc: Jones, Enesta <Jones.Enesta@epa.gov>

Subject: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Hi All,

Some of his questions are: "it's too soon to say."

That said, I think the updated holding statement Andrea drafted works here and for this reporter until more information is determined. We don't want to get out ahead of ourselves. And should we wait until after the press conference? I can keep him at bay until then.

What does everyone think?

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: 202.236.2426

"The root of all joy is gratefulness."

Begin forwarded message:

From: Vaughn Hagerty <vaughn.hagerty@gmail.com>

Date: June 15, 2017 at 8:35:05 AM EDT

To: "Jones, Enesta" <Jones.Enesta@epa.gov>

Cc: Press <Press@epa.gov>

Subject: Re: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Hello, Enesta. I'm checking to see if there's any progress on answering any of the specific questions I've asked. Can you let me know an ETA?

Regards,

Vaughn Hagerty

On Tue, Jun 13, 2017 at 4:38 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Thanks, Vaughn. I have your follow-up request.

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: 202.236.2426

"The root of all joy is gratefulness."

On Jun 13, 2017, at 4:35 PM, Vaughn Hagerty <vaughn.hagerty@gmail.com> wrote:

Thanks, Enesta. I would, though, appreciate more specific answers as soon as they're available, and not necessarily all at once.

I'm especially interested to know about whether a violation of the consent order has occurred and whether the exemption I cited would apply in the circumstance where GenX is produced as a byproduct in an unrelated manufacturing process.

I should also mention that I am interested in speaking with Mark Strynar and/or Andrew Lindstrom, who work out of your Research Triangle, NC, office. I think both of them deserve a lot of credit for work done to discover this substance in the river.

-Vaughn

On Tue, Jun 13, 2017 at 4:21 PM, Jones, Enesta

<Jones.Enesta@epa.gov> wrote:

Hi Vaughn,

Please attribute our response below to an agency spokesperson:

EPA is working to gather more information on this matter and will review and determine next steps.

Background Information:

In 2009, EPA and DuPont entered into a consent order that required DuPont to recover, capture or recycle GenX from air emissions and water discharges at the company's facilities in the United States at a rate of 99 percent. In its review of the GenX premanufacture submission, or approval to make the chemical, EPA determined that GenX could go to market if the conditions of the consent order were met.

Enesta Jones
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"The root of all joy is gratefulness."

On Jun 12, 2017, at 7:49 AM, Vaughn Hagerty
<vaughn.hagerty@gmail.com> wrote:

My name is Vaughn Hagerty and I'm a journalist working with the StarNews newspaper in Wilmington, N.C. We've been writing a number of stories regarding the Chemours plant near Fayetteville, N.C., and the discovery of GenX in the Cape Fear River and in the water system of at least one downstream community. We've cited these studies, both of which include participation by EPA researchers:

https://www.researchgate.net/publication/282129345_Identification_of_Novel_Perfluoroalkyl_Ether_Carboxylic_Acids_PFECAs_and_Sulfonic_Acids_PFESAs_in_Natural_Waters_Using_Accurate_Mass_Time-of-Flight_Mass_Spectrometry_TOFMS

https://www.researchgate.net/publication/309887015_Legacy_and_Emerging_Perfluoroalkyl_Substances_Are_Important_Drinking_Water_Contaminants

nants in the Cape Fear River Watershed of North Carolina

I had been working with Enesta Jones, but she apparently is on vacation. I am working on a story that has a deadline of 4 p.m. Eastern today, June 12.

First, I'm curious if EPA has taken or is contemplating any action as a result of these discoveries. I'd asked this question of Enesta, but the response cited the fact that these are emerging substances that aren't regulated and seemed to indicate no action would result. Is that still the case?

Second, I have a number of questions regarding the consent order issued by EPA to DuPont (now Chemours) for the manufacture of GenX:

1) In her response, Enesta stated: "In its review of the GenX premanufacture submission, EPA determined that the chemical could be commercialized if there were no releases to water." I pointed out that, as detailed in the studies cited above, it *is* in the water. So what happens now from EPA's standpoint? Is Chemours in violation of the consent order? What does that mean?

2) Enesta's response stated: "DuPont is required to recover and capture (destroy) or recycle the chemical from all the process wastewater effluent streams and air emissions (point source and fugitive) at an overall efficiency rate of 99% (i.e., 99% of the chemical can't be released into the environment)." It's difficult to understand what this "efficiency rate" means without knowledge of the manufacturing limits for the product. What are the manufacturing limits? How would it be monitored and enforced? Does DuPont and/or Chemours provide regular reports about its compliance? If so, how would I obtain those reports?

3) How are the overall terms of such a consent order enforced? Who is responsible? What is the process?

4) Has DuPont and/or Chemours satisfied all the requirements for submitting toxicological/environmental studies? Where can I

obtain those? Have any changes been made to the consent order since it was issued, including changes in amounts allowed to be manufactured and monitoring? If so, who sought the changes and what are they?

5) The consent order includes this exception: (3) Byproducts. The requirements of this Order do not apply to the PMN substances when they are produced, without separate commercial intent, only as a "byproduct" as defined at 40 CFR 720.3(d) and in compliance with 40 CFR 720.30(g).

Here are those federal register entries:

40 CFR 720.3(d) Byproduct means a chemical substance produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance or mixture.

40 CFR 720.30(g) Any byproduct if its only commercial purpose is for use by public or private organizations that (1) burn it as a fuel, (2) dispose of it as a waste, including in a landfill or for enriching soil, or (3) extract component chemical substances from it for commercial purposes. (This exclusion only applies to the byproduct; it does not apply to the component substances extracted from the byproduct.)

If GenX were generated as a byproduct in a process not meant to produce it and in which it was not extracted for commercial use, would this exception apply?

Note that Enesta's response is forwarded below.

Regards,

Vaughn Hagerty

----- Forwarded message -----

From: **Jones, Enesta** <Jones.Enesta@epa.gov>

Date: Thu, Jun 1, 2017 at 7:41 PM

Subject: RE: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

To: Vaughn Hagerty

<vaughn.hagerty@gmail.com>

Cc: Press <Press@epa.gov>

Hi Vaughn,

Thanks for your patience. Please attribute our response below to an agency spokesperson:

Figure 2 of the paper specifically illustrates that GenX only makes up a small percentage of the total PFAS that were determined in this study. Many of these chemicals have very little data on which to make a judgement regarding their potential toxicity.

EPA received the chemical substance referred to as GenX as a new chemical notice from DuPont (which is now Chemours) in 2008. The substance is a perfluoroether derivative. EPA and the company signed a Consent Order in 2009 for the substance which required health and environmental testing, and also controlled worker exposures, environmental releases and the amount of impurities permissible in the final polymers. A Consent Order can require testing and restrictions as conditions. The Agency is analyzing the data it has received under the Consent Order.

In its review of the GenX premanufacture submission, EPA determined that the chemical could be commercialized if there were no releases to water. Under the terms of the Consent Order, for operations in the United States, DuPont is required to recover and capture (destroy) or recycle the chemical from all the process wastewater effluent streams and air emissions (point source and fugitive) at an overall efficiency rate of 99% (i.e., 99% of the chemical can't be released into the environment). Further, under the terms of the Consent Order, Dupont may only distribute the chemical to those customers, such as manufacturers and processors, that can also achieve this percentage of efficiency or destruction. An important next step is verifying the source of

Locally: Pittsboro indicated that they recently installed a 24/7 PAC Feed System, which is an effective treatment option for PFOA/PFOS. They also plan to conduct confirmatory sampling, which would provide results about the current PFOA/PFOS levels in the finished water. To date, Region 4 does not have any confirmatory sampling data for the Pittsboro community.

In December 2016, Region 4 reached out to the North Carolina Department of Health and Human Services (NC DHHS) to determine their awareness of the advisory and its recommendations. The Health Department acknowledged familiarity with the advisory but stated that they did not have authority to get involved. They stated they find the advisories difficult to implement at the state level, since they aren't regulated compounds.

Although Region 4 has confirmed that NC DEQ, NC DHHS and Town of Pittsboro are aware of the Final Health Advisory's recommendations, the sensitive population has not been notified in the Pittsboro community.

Nationally: EPA is evaluating PFOA and PFOS as drinking water contaminants in accordance with the process required by the Safe Drinking Water Act (SDWA). To regulate a contaminant under SDWA, EPA must find that it: (1) may have adverse health effects; (2) occurs frequently (or there is a substantial likelihood that it occurs frequently) at levels of public health concern; and (3) there is a meaningful opportunity for health risk reduction for people served by public water systems.

EPA included PFOA and PFOS among the contaminants for which water systems are required to monitor under the third Unregulated Contaminant Monitoring Rule (UCMR 3) in 2012. Results of this monitoring effort can be found on the publicly-available [National Contaminant Occurrence Database \(NCOD\)](#). In accordance with SDWA, EPA will consider the occurrence data from UCMR 3, along with the peer reviewed health effects assessments supporting the PFOA and PFOS Health Advisories, to make a regulatory determination on whether to initiate the process to develop a national primary drinking water regulation.

EPA has conducted monitoring in the Cape Fear River Watershed for perfluorinated compounds. At this time, EPA Region 4 cannot advise on GenX compounds since the EPA does not have a drinking water advisory for these compounds. As noted in #3, EPA is evaluating PFOS and PFOA under the requirements of SDWA.

In 2006, EPA Region 4 has conducted research of perfluorinated compounds in the Cape Fear Watershed. At that time, our investigations did not show impacts of concern to surface water or groundwater; therefore, did not contact the plant operator. Since the paper was published, EPA Region 4 has not contacted the plant operator regarding the findings.

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: 202.236.2426

"The root of all joy is gratefulness."

From: Vaughn Hagerty
[mailto:vaughn.hagerty@gmail.com]
Sent: Tuesday, May 30, 2017 12:02 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>

Subject: Re: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Hi, Enesta. I'm checking again to see if there's any progress on this.

-Vaughn Hagerty

On Thu, May 25, 2017 at 7:24 AM, Jones, Enesta
<Jones.Enesta@epa.gov> wrote:

Hi Vaughn,

My apologies for the delay. This has been an effort involving three program offices and one regional office.

I hope to have a response to you today. Thanks again for your patience.

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

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"The root of all joy is gratefulness."

On May 25, 2017, at 7:22 AM, Vaughn Hagerty
<vaughn.hagerty@gmail.com> wrote:

Enesta,

I'm still interested in some response from EPA. Can you provide me with a more detailed update, such as if and/or when I might expect answers to my questions?

Regards,

Vaughn Hagerty

On Mon, May 22, 2017 at 2:25 PM, Jones, Enesta
<Jones.Enesta@epa.gov> wrote:

Hi Vaughn,

I am checking.

Enesta Jones

U.S. EPA

Office of Media Relations

Office: 202.564.7873

Cell: 202.236.2426

**"The root of all joy is
gratefulness."**

On May 22, 2017, at 2:11 PM,
Vaughn Hagerty
<vaughn.hagerty@gmail.com>
wrote:

Hi, Enesta. Any
update on this?

-Vaughn Hagerty

On Thu, May 18,
2017 at 6:42 PM,
Vaughn Hagerty
<vaughn.hagerty@gmail.com>
wrote:

Yes, that would
work. Thanks!

-Vaughn

On Thu, May 18,
2017 at 4:06 PM,
Jones, Enesta
<Jones.Enesta@epa.gov> wrote:

Hi Vaughn,

Is getting back to
you the morning
of May 22 ok?

Enesta Jones

U.S. EPA

**Office of Media
Relations**

**Office: 202.564.
7873**

**Cell: 202.236.
2426**

**“The root of all
joy is
gratefulness.”**

From: Jones,
Enesta

Sent:
Wednesday, May
17, 2017 2:24 PM

To: Vaughn
Hagerty
<[vaughn.hagerty
@gmail.com](mailto:vaughn.hagerty@gmail.com)>

Subject: Re: EPA
Inquiry RE: GenX,
PFASs in the
Cape Fear River
watershed

Hi Vaughn,

I am checking.
Thanks.

Enesta Jones

U.S. EPA

**Office of
Media
Relations**

**Office:
202.564.7873**

**Cell:
202.236.2426**

**"The root of
all joy is
gratefulness."**

On May 17,
2017, at 2:23
PM, Vaughn
Hagerty
<vaughn.hagerty@gmail.com>
wrote:

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